

U.S. Department of Justice

United States Attorney Southern District of New York

The Silvio J. Mollo Building One Saint Andrew's Plaza New York, New York 10007

September 18, 2015

BY ECF AND BY HAND

The Honorable Naomi Reice Buchwald United States District Judge Southern District of New York United States Courthouse New York, New York 10007

Re: <u>United States v. Tai Nguyen,</u>
12 Cr. 495 (NRB)

Dear Judge Buchwald:

The Government writes respectfully to seek an extension of time to answer the above-referenced petition for a writ of error coram nobis vacating the defendant's guilty plea and conviction. The defendant's amended petition was filed on June 4, 2005, and on June 5, the Government requested, with the consent of the defendant, additional time to answer the petition because, among other reasons, the defendant's petition is premised on the recent holding of the Court of Appeals in United States v. Newman, 773 F.3d 438 (2d Cir. 2014). Among the bases for the Government's request was that the Government was still determining whether it would seek certiorari in Newman. Your Honor granted the Government's request for an extension to July 20, 2015, as well as a further extension to September 15, 2015.

The Government has now elected to seek *certiorari* in Newman, and briefing on the Government's petition was completed on September 8, 2015. Given that the defendant is no longer serving a sentence, we submit that it is appropriate here to await the outcome of that process. In the event that *certiorari* is granted, we will likely request additional time for the case to be decided. In the event that *certiorari* is denied, we will likely request additional time because

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we will at that point need to familiarize ourselves further with the record in this case, given that each of the prosecutors who handled this prosecution has left the Government's employment.

Accordingly, with the consent of the defendant, we respectfully request that the time within which to answer the petition be extended to November 20, 2015.

Respectfully submitted,

PREET BHARARA
United States Attorney

s/s Harry A. Chernoff

By:

Harry A. Chernoff Assistant U.S. Attorney (212) 637-2481